

## Remarks

Attached hereto at the end of this Preliminary Amendment is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page is captioned **“Version with Markings to Show Changes Made.”**

In the Notice dated July 22, 2002, (copy attached as Exhibit A) were requested to comply with the Sequence Listing Rules as set forth in 37 C.F.R §1.821-§1.825. The amendments to the specification are being made to insert Sequence Identifier Numbers as required by 37 C.F.R §1.821 92)(d). Thus no new matter has been added. Also in compliance with 37 C.F.R §1.821-§1.825, attached hereto is a paper copy of the Sequence Listing (Exhibit B), a disk containing a computer readable copy of the Sequence Listing (Exhibit C) and a Statement Under 37 C.F.R §1.821(f) stating that the content of the paper copy of the Sequence Listing and computer readable form are the same (Exhibit D).

The Notice also requested that Applicants pay additional claim fees or cancel additional claims for which fees are due. As evidenced by the attached return receipt postcard date stamped February 25, 2002 (Exhibit E), in response to a an earlier issued Notice to Filing Missing Parts Applicants had filed a Preliminary Amendment and a Fee Transmittal. In the Preliminary Amendment filed February 25, 2002, the amendments to the claims resulted in 156 total claims and 2 independent claims. As evidenced by the Fee Transmittal filed February 25, 2002 (copy attached as Exhibit F), Applicants authorized the payment of \$2448.00 for an additional claim fee, \$740.00 for the basic filing fee and \$130.00 for late submission of a Declaration, for a total of \$3318.00 in filing fees.

The USPTO charged the aforementioned filing fees to Applicant's Deposit Account Number 03-1952 as evidenced by item Number 14 on the Pair Printout for this case (copy attached as Exhibit G) which indicates payment for claim and filing fees, the corrected filing receipt dated June 27, 2002 also indicates that filing fees of \$3318.00 were paid (Exhibit H) and a printout of charges to Deposit Account Number 03-1952 on March 6, 2002 for U.S.S.N 09/847,

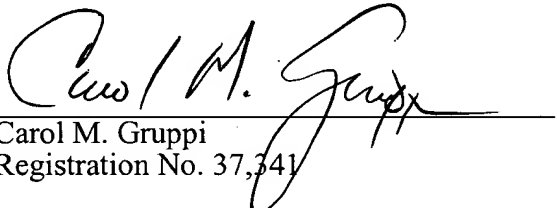
936 shows fees totaling \$3318.00 (Exhibit I) were charged. *Accordingly, Applicants believe no additional claim fees are due in the above referenced application. However, Applicants are reiterating the amendments made in the Preliminary Amendment filed on February 25, 2002 in this document, as there is no indication that the Preliminary Amendment filed on February 25, 2002 was entered. Applicants respectfully request entry of this amendment.*

In the unlikely event that this paper is separated from this sequence listing and the U.S. Patent Office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorize the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this sequence listing to our Deposit Account No. 03-1952 referencing docket no. 220002057125. However, the Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Respectfully submitted,

Dated: September 23, 2002

By:

  
Carol M. Gruppi  
Registration No. 37,341

for Catherine M. Polizzi  
Registration No. 40,130

Morrison & Foerster LLP  
755 Page Mill Road  
Palo Alto, California 94304-1018  
Telephone: (650) 813-5651  
Facsimile: (650) 494-0792

**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

**In the Specification:**

On page 91, please replace the paragraph which begins on line 29 with the following:

Replacement of residues Arg 118-Lys119-Tyr120-Thr121-Ser122 of FGF-2 (SEQ ID NO: 15) with the human sequence Ala-Gln-Phe-Pro-Asn (SEQ ID NO: 16) from the corresponding loop of the structural analogue IL-1 $\beta$  (115-119) was essentially performed as follows:.

Please enter the Sequence Listing attached hereto into the specification.

**In the Claims:**

46. (Amended) A method according to [one of]claim[s] 1 [to 45], wherein the step of introducing a vector into at least one coronary artery is performed coincident with or following infusion of the artery with a vasoactive agent.

62. (Amended) The method of claim [62] 58, wherein the conduit delivering blood to the tissue [blood vessel] is selected from the group consisting of a coronary artery and a femoral artery.

55. (Amended) A method according to [one of] claim[s] 1 [to 45 or 52 to 54], wherein said patient is a human.

110. (Amended) A method according to [one of]claim[s] [52 to 54 or] 57 [to 109], wherein the step of introducing a vector into at least one coronary artery is performed coincident with or following infusion of the artery with a vasoactive agent.

119. (Amended) A method according to [one of] claim[s] 57 [to 109 or 116 to 118], wherein said patient is a human.

152. (Amended) A kit comprising a gene therapy composition according to [one of]claim[s] 121 [to 151].